

1           15.405 (16) FUNERAL DIRECTORS EXAMINING BOARD. There is created a funeral  
2           directors examining board in the department of ~~regulation and licensing~~ safety and  
3           professional services. The funeral directors examining board shall consist of 6  
4           members appointed for staggered 4-year terms. Four members shall be licensed  
5           funeral directors under ch. 445 in this state. Two members shall be public members.

6           **\*-1465/P4.67\* \*-0808/2.48\* SECTION 153.** 15.405 (17) of the statutes is  
7           amended to read:

8           15.405 (17) BARBERING AND COSMETOLOGY EXAMINING BOARD. There is created a  
9           barbering and cosmetology examining board in the department of ~~regulation and~~  
10          ~~licensing~~ safety and professional services. The barbering and cosmetology  
11          examining board shall consist of 9 members appointed for 4-year terms. Four  
12          members shall be licensed barbers, aestheticians, or cosmetologists, 2 members shall  
13          be public members, one member shall be a representative of a private school of  
14          barbering or cosmetology, one member shall be a representative of a public school of  
15          barbering or cosmetology and one member shall be a licensed electrologist. Except  
16          for the 2 members representing schools, no member may be connected with or have  
17          any financial interest in a barbering or cosmetology school.

18          **\*-1465/P4.68\* \*-0808/2.49\* SECTION 154.** 15.406 (2) (intro.) of the statutes is  
19          amended to read:

20          15.406 (2) DIETITIANS AFFILIATED CREDENTIALING BOARD. (intro.) There is created  
21          in the department of ~~regulation and licensing~~ safety and professional services,  
22          attached to the medical examining board, a dietitians affiliated credentialing board  
23          consisting of the following members appointed for 4-year terms:

24          **\*-1465/P4.69\* \*-0808/2.50\* SECTION 155.** 15.406 (3) (intro.) of the statutes is  
25          amended to read:

1           15.406 (3) PODIATRY AFFILIATED CREDENTIALING BOARD. (intro.) There is created  
2 in the department of ~~regulation and licensing~~ safety and professional services,  
3 attached to the medical examining board, a podiatry affiliated credentialing board  
4 consisting of the following members appointed for 4-year terms:

5           **\*-1465/P4.70\* \*-0808/2.51\* SECTION 156.** 15.406 (4) (intro.) of the statutes is  
6 amended to read:

7           15.406 (4) ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD. (intro.) There  
8 is created in the department of ~~regulation and licensing~~ safety and professional  
9 services, attached to the medical examining board, an athletic trainers affiliated  
10 credentialing board consisting of the following members appointed for 4-year terms:

11           **\*-1465/P4.71\* \*-0808/2.52\* SECTION 157.** 15.406 (5) (intro.) of the statutes is  
12 amended to read:

13           15.406 (5) OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD. (intro.)  
14 There is created in the department of ~~regulation and licensing~~ safety and  
15 professional services, attached to the medical examining board, an occupational  
16 therapists affiliated credentialing board consisting of the following members  
17 appointed for 4-year terms:

18           **\*-1465/P4.72\* \*-0808/2.53\* SECTION 158.** 15.406 (6) (a) (intro.) of the statutes  
19 is amended to read:

20           15.406 (6) (a) (intro.) There is created in the department of ~~regulation and~~  
21 ~~licensing~~ safety and professional services, attached to the medical examining board,  
22 a massage therapy and bodywork therapy affiliated credentialing board. The  
23 affiliated credentialing board shall consist of the following 7 members appointed for  
24 4-year terms:

1           **\*-1465/P4.73\* \*-0808/2.54\* SECTION 159.** 15.407 (1m) of the statutes is  
2 amended to read:

3           15.407 (1m) RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL. There is  
4 created a respiratory care practitioners examining council in the department of  
5 ~~regulation and licensing~~ safety and professional services and serving the medical  
6 examining board in an advisory capacity in the formulating of rules to be  
7 promulgated by the medical examining board for the regulation of respiratory care  
8 practitioners. The respiratory care practitioners examining council shall consist of  
9 3 certified respiratory care practitioners, each of whom shall have engaged in the  
10 practice of respiratory care for at least 3 years preceding appointment, one physician  
11 and one public member. The respiratory care practitioner and physician members  
12 shall be appointed by the medical examining board. The members of the examining  
13 council shall serve 3-year terms. Section 15.08 (1) to (4) (a) and (6) to (10) shall apply  
14 to the respiratory care practitioners examining council.

15           **\*-1465/P4.74\* \*-0808/2.55\* SECTION 160.** 15.407 (2) (intro.) of the statutes is  
16 amended to read:

17           15.407 (2) COUNCIL ON PHYSICIAN ASSISTANTS. (intro.) There is created a council  
18 on physician assistants in the department of ~~regulation and licensing~~ safety and  
19 professional services and serving the medical examining board in an advisory  
20 capacity. The council's membership shall consist of:

21           **\*-1465/P4.75\* \*-0808/2.56\* SECTION 161.** 15.407 (2m) (intro.) of the statutes  
22 is amended to read:

23           15.407 (2m) (intro.) There is created a perfusionists examining council in the  
24 department of ~~regulation and licensing~~ safety and professional services and serving

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the medical examining board in an advisory capacity. The council shall consist of the following members appointed for 3-year terms:

**\*-1465/P4.76\* \*-0808/2.57\* SECTION 162.** 15.407 (3) <sup>(intro.)</sup> of the statutes is amended to read:

15.407 (3) EXAMINING COUNCILS; BOARD OF NURSING. <sup>(intro.)</sup> The following examining councils are created in the department of ~~regulation and licensing~~ safety and professional services to serve the board of nursing in an advisory capacity. Section 15.08 (1) to (4) (a) and (6) to (10), applies to the examining councils. mfb-

**\*-1272/P4.8\* SECTION 163.** 15.407 (5) of the statutes is amended to read:

15.407 (5) COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATIONS. There is <sup>plain</sup> created in the department <sup>of</sup> ~~regulation and licensing~~ safety and professional services a council on real estate curriculum and examinations consisting of 7 members appointed for 4-year terms. Five members shall be real estate brokers or salespersons licensed under ch. 452 and 2 members shall be public members. Of the real estate broker or salesperson members, one member shall be a member of the real estate examining board appointed by the real estate examining board, at least 2 members shall be licensed real estate brokers with at least 5 years of experience as real estate brokers, and at least one member shall be a licensed real estate salesperson with at least 2 years of experience as a real estate salesperson. Of the 2 public members, at least one member shall have at least 2 years of experience in planning or presenting real estate educational programs. No member of the council may serve more than 2 consecutive terms. mfb

\*\*\*\*NOTE: This is reconciled s. 15.407 (5). This SECTION has been affected by drafts with the following LRB numbers: -1272/P3 and -1465/P3.

1           **\*-1465/P4.77\* \*-0808/2.59\* SECTION 164.** 15.407 (6) (intro.) of the statutes is  
2 amended to read:

3           15.407 (6) PHARMACIST ADVISORY COUNCIL. (intro.) There is created a pharmacist  
4 advisory council in the department of ~~regulation and licensing~~ safety and  
5 professional services and serving the pharmacy examining board in an advisory  
6 capacity. The council shall consist of the following members appointed for 3-year  
7 terms:

8           **\*-1465/P4.78\* \*-0808/2.60\* SECTION 165.** 15.407 (7) (a) of the statutes is  
9 amended to read:

10           15.407 (7) (a) There is created a massage therapy and bodywork council in the  
11 department of ~~regulation and licensing~~ safety and professional services, serving the  
12 department in an advisory capacity. The council shall consist of 7 members,  
13 appointed for 4-year terms, who are massage therapists or bodyworkers certified  
14 under ch. 460 and who have engaged in the practice of massage therapy or bodywork  
15 for at least 2 years preceding appointment.

16           **\*-1465/P4.79\* \*-0808/2.61\* SECTION 166.** 15.407 (8) (intro.) of the statutes is  
17 amended to read:

18           15.407 (8) CREMATORY AUTHORITY COUNCIL. (intro.) There is created a crematory  
19 authority council in the department of ~~regulation and licensing~~ safety and  
20 professional services consisting of the secretary of ~~regulation and licensing~~ safety  
21 and professional services or a designee of the secretary, who shall serve as a  
22 nonvoting member, and the following persons appointed for 3-year terms:

23           **\*-1465/P4.80\* \*-0808/2.62\* SECTION 167.** 15.407 (9) (a) (intro.) of the statutes  
24 is amended to read:

15.407 (9) (a) (intro.) There is created a sign language interpreter council in the department of ~~regulation and licensing~~ safety and professional services consisting of the secretary of ~~regulation and licensing~~ safety and professional services or a designee of the secretary and the following 8 members nominated by the governor, and with the advice and consent of the senate appointed, for 3-year terms:

**\*-1465/P4.81\* \*-1059/P3.24\* SECTION 168.** 15.435 (1) (a) 1. of the statutes is amended to read:

15.435 (1) (a) 1. The ~~secretary of commerce~~ chief executive officer of the Wisconsin Economic Development Corporation and the secretary of revenue or their designees.

**\*-1097/3.2\* SECTION 169.** 15.445 (1) of the statutes is amended to read:

15.445 (1) ARTS BOARD. There is created an arts board ~~which is attached to in~~ the department of tourism ~~under s. 15.03~~. The arts board shall consist of 15 members appointed for 3-year terms who are residents of this state and who are known for their concern for the arts. At least 2 members shall be from the northwest portion of this state, at least 2 members shall be from the northeast portion of this state, at least 2 members shall be from the southwest portion of this state, and at least 2 members shall be from the southeast portion of this state.

**\*-1465/P4.82\* \*-0808/2.63\* SECTION 170.** 15.445 (2) (e) of the statutes is amended to read:

15.445 (2) (e) *Liaison representatives.* The secretary of agriculture, trade and consumer protection, the secretary of natural resources, the secretary of transportation, ~~the secretary of commerce~~, the secretary of administration, the director of the state historical society and the chancellor of the University of Wisconsin-Extension, or their designees, shall serve as liaison representatives to

1 the board. The board may request any federally recognized American Indian tribe  
2 or band in this state, other than the Ho-Chunk Nation, that expresses an interest  
3 in the governance of the Kickapoo valley reserve to appoint a liaison representative  
4 to the board. The liaison representatives are not board members and have no voting  
5 power.

6 **\*-1187/P5.40\* SECTION 171.** 15.67 (1) (a) 1m. of the statutes is created to read:

7 15.67 (1) (a) 1m. One member of the board of trustees of the University of  
8 Wisconsin-Madison.

9 **\*-1187/P5.41\* SECTION 172.** 15.797 (1) (b) 8. of the statutes is amended to read:

10 15.797 (1) (b) 8. One member who is a University of Wisconsin System or  
11 University of Wisconsin-Madison faculty member with expertise regarding the  
12 health impacts of wind energy systems.

13 **\*-1187/P5.42\* SECTION 173.** 15.91 of the statutes is amended to read:

14 **15.91 Board of regents of the University of Wisconsin System; creation.**

15 There is created a board of regents of the University of Wisconsin System consisting  
16 of the state superintendent of public instruction, the president, or by his or her  
17 designation another member, of the technical college system board and 14 citizen  
18 members appointed for staggered 7-year terms, and 2 students enrolled at least  
19 half-time and in good academic standing at institutions within the University of  
20 Wisconsin System who are residents of this state, for 2-year terms. The student  
21 members may be selected from recommendations made by elected representatives  
22 of student governments at institutions within the University of Wisconsin System.  
23 The governor shall appoint one student member who is at least 18 years old and one  
24 undergraduate student member who is at least 24 years old and represents the views  
25 of nontraditional students, such as those who are employed or are parents. The

1 governor may not appoint a student member from the same institution in any 2  
2 consecutive terms; and the 2 student members who are appointed may not be from  
3 the same institution; ~~and a student from the University of Wisconsin-Madison and~~  
4 ~~a student from the University of Wisconsin-Milwaukee may not serve on the Board~~  
5 ~~of Regents at the same time.~~ If a student member loses the status upon which the  
6 appointment was based, he or she shall cease to be a member of the board of regents.

7 **\*-1187/P5.43\* SECTION 174.** 15.915 (1) of the statutes is repealed.

8 **\*-1187/P5.44\* SECTION 175.** 15.915 (2) of the statutes is repealed.

9 **\*-1465/P4.83\* \*-0808/2.64\* SECTION 176.** 15.917 (1) (intro.) of the statutes is  
10 amended to read:

11 15.917 (1) RURAL HEALTH DEVELOPMENT COUNCIL. (intro.) There is created in the  
12 University of Wisconsin System a rural health development council consisting of 17  
13 members nominated by the governor, and with the advice and consent of the senate  
14 appointed, for 5-year terms, and the secretaries secretary of commerce and health  
15 services, or ~~their designees~~ his or her designee. The appointed members shall  
16 include all of the following:

17 **\*-1187/P5.45\* SECTION 177.** 15.917 (1) (a) of the statutes is amended to read:

18 15.917 (1) (a) A representative of the University of Wisconsin Medical School  
19 of Medicine and Public Health.

20 **\*-1187/P5.46\* SECTION 178.** 15.94 (intro.) of the statutes is amended to read:

21 **15.94 Technical college system board; creation.** (intro.) There is created  
22 a technical college system board consisting of ~~13~~ 14 members. No person may serve  
23 as president of the board for more than 2 successive annual terms. The board shall  
24 be composed of:

25 **\*-1187/P5.47\* SECTION 179.** 15.94 (2v) of the statutes is created to read:



1           15.94 (2v) The chairperson, or by his or her designation another member, of the  
2 board of trustees of the University of Wisconsin-Madison.

3           **\*-1187/P5.48\* SECTION 180.** 15.96 (1) (b) of the statutes is amended to read:

4           15.96 (1) (b) Three members of the board of ~~regents~~ trustees of the University  
5 of Wisconsin-Madison appointed by the ~~president~~ chairperson of the board of ~~regents~~  
6 trustees.

7           **\*-1187/P5.49\* SECTION 181.** 15.96 (1) (d) of the statutes is amended to read:

8           15.96 (1) (d) The dean of the University of ~~Wisconsin-Madison Medical~~  
9 Wisconsin School of Medicine and Public Health.

10          **\*-1187/P5.50\* SECTION 182.** 15.96 (1) (e) of the statutes is amended to read:

11          15.96 (1) (e) A chairperson of a department at the University of  
12 ~~Wisconsin-Madison Medical~~ Wisconsin School of Medicine and Public Health,  
13 appointed by the chancellor of the University of Wisconsin-Madison.

14          **\*-1187/P5.51\* SECTION 183.** 15.96 (1) (f) of the statutes is amended to read:

15          15.96 (1) (f) A faculty member of a health professions school of the University  
16 of Wisconsin-Madison ~~health professions school~~, other than the University of  
17 ~~Wisconsin-Madison Medical~~ Wisconsin School of Medicine and Public Health,  
18 appointed by the chancellor of the University of Wisconsin-Madison.

19          **\*-1187/P5.52\* SECTION 184.** 16.002 (2) of the statutes, as affected by 2011  
20 Wisconsin Act 7, is amended to read:

21          16.002 (2) "Departments" means constitutional offices, departments, and  
22 independent agencies and includes all societies, associations, and other agencies of  
23 state government for which appropriations are made by law, but not including  
24 authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ~~chs.~~ ch. 37, 52,  
25 231, 232, 233, 234, 235, 237, 238, or 279.

\*\*\*\*NOTE: The above exempts the UW from the following:

Section 16.52 (11), which allows the DOA secretary to "allocate and charge, and ... prescribe the procedures for departments to allocate and charge, the central services costs of [DOA] or of individual departments to selected federal grants or contracts."

Section 16.53 (1) (ca), which requires all departments to "diligently review and supervise the travel expenditures of their employees" and allows them to promulgate rules governing such expenditures that are consistent with uniform guidelines established under s. 20.916 (8).

Section 16.54 (10), which requires all departments, "before acceptance of any federal grant on behalf of the state which will or may involve the provision of auditing services by the legislative audit bureau," to provide written notification to the state auditor.

Section 16.61 (3) (d) 1., which requires the public records board to establish a system for protecting essential public records in the event of a disaster and consult with state departments in determining what public records are essential for such system.

Section 16.61 (3) (d) 4., which requires the public records board to furnish state departments with copies of its final plan for preserving essential public records.

Section 16.85 (6), which requires DOA to "approve the appointment of a principal engineer or architect for departments, boards and commissions and when such continuous service is needed."

1       \*-1187/P5.53\* SECTION 185. 16.004 (4) of the statutes, as affected by 2011  
2       Wisconsin Act 7, is amended to read:

3       16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the  
4       department as the secretary designates may enter into the offices of state agencies  
5       and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under  
6       chs. 37, 52, 231, 233, 234, 237, 238, and 279, and may examine their books and  
7       accounts and any other matter that in the secretary's judgment should be examined  
8       and may interrogate the agency's employees publicly or privately relative thereto.

9       \*-1187/P5.54\* SECTION 186. 16.004 (5) of the statutes, as affected by 2011  
10      Wisconsin Act 7, is amended to read:

11      16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and  
12      authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs.  
13      37, 52, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall

1 cooperate with the secretary and shall comply with every request of the secretary  
2 relating to his or her functions.

3 **\*-1187/P5.55\* SECTION 187.** 16.004 (8) (am) of the statutes is amended to read:

4 16.004 (8) (am) The secretary shall maintain a system of rental policies for  
5 state-owned housing administered by all agencies other than the University of  
6 Wisconsin-Madison, and shall periodically review the system for possible changes.  
7 Whenever the secretary proposes to change rental policies other than rental rates,  
8 the secretary shall submit a report relating to the system to the joint committee on  
9 finance. The report shall include any changes in rental policies recommended by the  
10 secretary.

11 **\*-1187/P5.56\* SECTION 188.** 16.004 (12) (a) of the statutes, as affected by 2011

12 Wisconsin Act 7, is amended to read:

13 16.004 (12) (a) In this subsection, "state agency" means an association,  
14 authority, board, department, commission, independent agency, institution, office,  
15 society, or other body in state government created or authorized to be created by the  
16 constitution or any law, including the legislature, the office of the governor, and the  
17 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,  
18 the University of Wisconsin-Madison, the Wisconsin Aerospace Authority, the  
19 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
20 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic  
21 Development Corporation, and the Fox River Navigational System Authority.

22 **\*-1252/P3.1\* SECTION 189.** 16.004 (15) (bm) of the statutes is repealed.

23 **\*-0241/4.1\* SECTION 190.** 16.009 (1) (em) 6. of the statutes is amended to read:

24 16.009 (1) (em) 6. An adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~.

1           **\*-1187/P5.57\* SECTION 191.** 16.04 (1) (intro.) of the statutes is amended to  
2 read:

3           16.04 (1) (intro.) The department shall ensure optimum efficiency and economy  
4 in the fleet management and maintenance activities of all agencies, as defined in s.  
5 16.52 (7), other than the University of Wisconsin- Madison. The department may:

6           **\*-1224/P3.2\* SECTION 192.** 16.04 (1) (a) of the statutes is amended to read:

7           16.04 (1) (a) Develop uniform state policies and guidelines for vehicle and  
8 aircraft acquisition, use, maintenance, recording of operational and other costs,  
9 performance evaluation and replacement of vehicles and aircraft. The department  
10 shall incorporate the fuel usage ~~requirements~~ policies under s. 16.045 (4m) in any  
11 policies or guidelines developed under this paragraph.

12           **\*-1187/P5.58\* SECTION 193.** 16.045 (1) (a) of the statutes, as affected by 2011  
13 Wisconsin Act 7, is amended to read:

14           16.045 (1) (a) "Agency" means an office, department, independent agency,  
15 institution of higher education, association, society, or other body in state  
16 government created or authorized to be created by the constitution or any law, that  
17 is entitled to expend moneys appropriated by law, including the legislature and the  
18 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
19 ch. 149 or in ch. 37, 52, 231, 232, 233, 234, 235, 237, 238, or 279.

      \*\*\*\*NOTE: The above exempts the UW from DOA's authority over agency use of  
gasohol, alternative fuels, and hybrid-electric vehicles.

20           **\*-1224/P3.3\* SECTION 194.** 16.045 (1) (f) of the statutes is repealed.

21           **\*-1224/P3.4\* SECTION 195.** 16.045 (2) of the statutes is amended to read:

22           16.045 (2) The department shall, whenever feasible, ~~require~~ and cost-effective,  
23 encourage agencies to store no motor fuel except gasohol or alternative fuel in

1 facilities maintained by the agencies for the storage of fuel for and the refueling of  
2 state-owned or state-leased vehicles. This subsection does not authorize  
3 construction or operation of such facilities.

4 **\*-1224/P3.5\* SECTION 196.** 16.045 (4) of the statutes is amended to read:

5 16.045 (4) The department shall require, whenever feasible and cost-effective,  
6 encourage all state employees to utilize hybrid-electric vehicles or vehicles that  
7 operate on gasohol or alternative fuel for all state-owned or state-leased motor  
8 vehicles whenever such utilization is feasible. However, the department shall not  
9 lease or purchase any hybrid-electric vehicle, or authorize the lease or purchase of  
10 any hybrid-electric vehicle, unless the manufacturer certifies to the department  
11 that final assembly of the vehicle occurred in the United States.

12 **\*-1224/P3.6\* SECTION 197.** 16.045 (4m) (intro.) of the statutes is amended to  
13 read:

14 16.045 (4m) (intro.) The department shall require, whenever feasible and  
15 cost-effective, encourage all agencies to collectively reduce the usage of gasoline and  
16 diesel fuel in state-owned vehicles that is petroleum-based below the total amount  
17 that the agencies used in 2006 by at least the following percentages:

18 **\*-1224/P3.7\* SECTION 198.** 16.045 (4m) (a) (intro.) and 1. of the statutes are  
19 consolidated, renumbered 16.045 (4m) (a) and amended to read:

20 16.045 (4m) (a) For gasoline: ~~1. Twenty, 20~~ percent by ~~2010~~ 2015.

21 **\*-1224/P3.8\* SECTION 199.** 16.045 (4m) (a) 2. of the statutes is repealed.

22 **\*-1224/P3.9\* SECTION 200.** 16.045 (4m) (b) (intro.) and 1. of the statutes are  
23 consolidated, renumbered 16.045 (4m) (b) and amended to read:

24 16.045 (4m) (b) For diesel fuel: ~~1. Ten, 10~~ percent by ~~2010~~ 2015.

25 **\*-1224/P3.10\* SECTION 201.** 16.045 (4m) (b) 2. of the statutes is repealed.

## SECTION 202

1       **\*-1224/P3.11\* SECTION 202.** 16.045 (5) of the statutes is amended to read:

2       16.045 (5) The department shall, whenever feasible and cost-effective,  
3 encourage distribution of gasohol and alternative fuels and usage of hybrid-electric  
4 vehicles or vehicles that operate on gasohol or alternative fuels by officers and  
5 employees who use personal motor vehicles on state business and by residents of this  
6 state generally. ~~The department shall report to the appropriate standing committees~~  
7 ~~under s. 13.172 (3) concerning distribution of gasohol and alternative fuels and usage~~  
8 ~~of hybrid-electric vehicles and vehicles that operate on gasohol or alternative fuels~~  
9 ~~in this state, no later than April 30 of each year.~~

10       **\*-1224/P3.12\* SECTION 203.** 16.045 (6) of the statutes is repealed.

11       **\*-1050/P3.1\* SECTION 204.** 16.15 (1) (ae) of the statutes is amended to read:

12       16.15 (1) (ae) "Cost of disposing of processed material" ~~has the meaning given~~  
13 ~~in s. 287.11 (2m) (a) 1~~ means the gross cost of transferring processed material to a  
14 solid waste disposal facility and disposing of the processed material in the facility,  
15 including any disposal costs not paid through fees charged by the facility.

16       **\*-1050/P3.2\* SECTION 205.** 16.15 (1) (ah) of the statutes is amended to read:

17       16.15 (1) (ah) "Cost of selling processed material" ~~has the meaning given in s.~~  
18 ~~287.11 (2m) (a) 2~~ means the net cost, including any storage costs, of selling processed  
19 material to a broker, dealer or manufacturing facility, plus any cost of transporting  
20 the processed material from the waste processing facility to the destination specified  
21 by the broker, dealer, or manufacturing facility.

22       **\*-1050/P3.3\* SECTION 206.** 16.15 (1) (ar) of the statutes is amended to read:

23       16.15 (1) (ar) "Processed material" ~~has the meaning given in s. 287.11 (2m) (a)~~  
24 ~~3~~ means a component of solid waste that has been collected, transported to a waste  
25 processing facility, and prepared for sale to a broker, dealer, or manufacturer.

1           **\*-0830/P6.1\* SECTION 207.** 16.19 of the statutes is repealed.

2           **\*-0698/3.5\* SECTION 208.** 16.255 (1) (intro.) of the statutes is amended to read:

3           16.255 (1) (intro.) The department shall determine the factors to be considered  
4 in selecting a vendor of the program under s. ~~14.64~~ 16.641, which shall include:

5           **\*-0698/3.6\* SECTION 209.** 16.255 (3) (d) of the statutes is amended to read:

6           16.255 (3) (d) That the vendor communicate to the beneficiary and account  
7 owner the requirements of s. ~~14.64~~ 16.641 (8).

8           **\*-1231/2.4\* SECTION 210.** 16.257 of the statutes is repealed.

9           **\*-1019/5.1\* SECTION 211.** 16.27 (5) (c) of the statutes is amended to read:

10          16.27 (5) (c) A household entirely composed of persons receiving aid to families  
11 with dependent children under s. 49.19, food stamps under 7 USC 2011 to 2036, or  
12 supplemental security income or state supplemental payments under 42 USC 1381  
13 to 1383c or s. ~~49.77~~ 49.39.

14          **\*-1195/2.1\* SECTION 212.** 16.27 (5) (c) of the statutes, as affected by 2011  
15 Wisconsin Act .... (this act), is amended to read:

16          16.27 (5) (c) A household entirely composed of persons receiving aid to families  
17 with dependent children under s. 49.19, ~~food stamps~~ supplemental nutrition  
18 assistance program benefits under 7 USC 2011 to 2036, or supplemental security  
19 income or state supplemental payments under 42 USC 1381 to 1383c or s. 49.39.

      \*\*\*NOTE: This is reconciled s. 16.27 (5) (c). This SECTION has been affected by drafts  
with the following LRB numbers: 1019/4 and 1195/1.

20          **\*-1195/2.2\* SECTION 213.** 16.27 (5) (e) of the statutes is amended to read:

21          16.27 (5) (e) A household that is not eligible under par. (c) that includes at least  
22 one person who is eligible for ~~food stamps~~ supplemental nutrition assistance  
23 program benefits under 7 USC 2011 to 2036, excluding any household in an

1 institution, as defined by the department of health services by rule.  
2 Notwithstanding sub. (6), a household under this paragraph shall be eligible for a  
3 heating assistance benefit of not more than \$1.

4 **\*-1450/2.2\* SECTION 214.** 16.28 of the statutes is created to read:

5 **16.28 Office of business development.** (1) The office of business  
6 development shall perform the functions determined by the secretary.

7 (2) The deputy director of the office shall be appointed by the governor to serve  
8 at his or her pleasure.

9 **\*-1465/P4.84\* \*-0805/P2.3\* SECTION 215.** 16.40 (24) of the statutes is created  
10 to read:

11 16.40 (24) Ensure performance of a duty or satisfaction of an obligation  
12 transferred to the Wisconsin Housing and Economic Development Authority under  
13 2011 Wisconsin Act .... (this act), section 9110 (1), if the Wisconsin Housing and  
14 Economic Development Authority fails to perform the duty or satisfy the obligation.

15 **\*-1187/P5.59\* SECTION 216.** 16.41 (1) of the statutes is amended to read:

16 16.41 (1) All agencies shall keep their accounts and other financial records as  
17 prescribed by the secretary under s. 16.40 (5), except as otherwise specifically  
18 directed by law. All agencies and authorities and the University of  
19 Wisconsin-Madison shall furnish to the secretary all information relating to their  
20 financial transactions which the secretary requests pursuant to this subchapter for  
21 such periods as the secretary requests, and shall render such assistance in  
22 connection with the preparation of the state budget report and the budget bill and  
23 in auditing accounts, as the secretary or the governor may require.

24 **\*-1187/P5.60\* SECTION 217.** 16.417 (1) (a) of the statutes, as affected by 2011  
25 Wisconsin Act 7, section 19, is amended to read:



1           16.417 (1) (a) "Agency" means an office, department, independent agency,  
2 institution of higher education, association, society, or other body in state  
3 government created or authorized to be created by the constitution or any law, that  
4 is entitled to expend moneys appropriated by law, including the legislature and the  
5 courts, but not including an authority or the body created under subch. III of ch. 149  
6 or under ch. 37 or 238.

      \*\*\*NOTE: The above exempts the UW from the dual retention/employment  
requirements of s. 16.417 that apply to agencies and authorities. Note that s. 16.417 (1)  
(b) defines "authority" to include authorities created under specified statutes. By not  
including the UW in s. 16.417 (1) (b), and by excluding the UW from the definition of  
"agency" in the above, this draft exempts the UW from s. 16.417.

7           **\*-1187/P5.61\* SECTION 218.** 16.417 (1) (a) of the statutes, as affected by 2011  
8 Wisconsin Act 7, section 20, and 2011 Wisconsin Act .... (this act), is repealed and  
9 recreated to read:

10           16.417 (1) (a) "Agency" means an office, department, independent agency,  
11 institution of higher education, association, society, or other body in state  
12 government created or authorized to be created by the constitution or any law, that  
13 is entitled to expend moneys appropriated by law, including the legislature and the  
14 courts, but not including an authority or the body created under subch. III of ch. 149  
15 or under ch. 37.

16           **\*-1187/P5.62\* SECTION 219.** 16.42 (1) (intro.) of the statutes is amended to  
17 read:

18           16.42 (1) (intro.) All agencies, ~~other than~~ including the University of  
19 Wisconsin-Madison but excluding the legislature and the courts, no later than  
20 September 15 of each even-numbered year, in the form and content prescribed by the  
21 department, shall prepare and forward to the department and to the legislative fiscal  
22 bureau the following program and financial information:

1           **\*-0393/2.1\* SECTION 220.** 16.505 (2m) of the statutes is amended to read:

2           16.505 (2m) The board of regents of the University of Wisconsin System may  
3           create or abolish a full-time equivalent position or portion thereof from revenues  
4           appropriated under s. 20.285 (1) ~~(gs)~~, (h), (ip), (iz), (j), ~~(ke)~~, (m), (n), or (q) to (w) or (3)  
5           (iz) or (n) and may create or abolish a full-time equivalent position or portion thereof  
6           from revenues appropriated under s. 20.285 (1) (im) that are generated from  
7           increased enrollment and from courses for which the academic fees or tuition  
8           charged equals the full cost of offering the courses. No later than the last day of the  
9           month following completion of each calendar quarter, the board of regents shall  
10          report to the department and the cochairpersons of the joint committee on finance  
11          concerning the number of full-time equivalent positions created or abolished by the  
12          board under this subsection during the preceding calendar quarter and the source  
13          of funding for each such position.

14          **\*-1187/P5.63\* SECTION 221.** 16.513 (1) of the statutes is amended to read:

15          16.513 (1) Each agency, including the University of Wisconsin-Madison, which  
16          has a program revenue appropriation or appropriation of segregated revenues from  
17          program receipts shall, at such times as required by the secretary, make quarterly  
18          reports to the department projecting the revenues and expenditures for the ensuing  
19          quarterly period under each such appropriation to the agency.

20          **\*-1187/P5.64\* SECTION 222.** 16.513 (3) (a) of the statutes is amended to read:

21          16.513 (3) (a) If there are insufficient moneys, assets, or accounts receivable,  
22          as determined under s. 20.903 (2), that are projected by an agency, including the  
23          University of Wisconsin-Madison, or projected by the department under s. 16.40 (7)  
24          to cover anticipated expenditures under a program revenue appropriation or  
25          appropriation of segregated revenues from program receipts, the agency shall

1 propose and submit to the department a plan to assure that there are sufficient  
2 moneys, assets, or accounts receivable to meet projected expenditures under the  
3 appropriation.

4 **\*-1187/P5.65\* SECTION 223.** 16.528 (1) (a) of the statutes, as affected by 2011  
5 Wisconsin Act 7, is amended to read:

6 16.528 (1) (a) "Agency" means an office, department, independent agency,  
7 institution of higher education, association, society, or other body in state  
8 government created or authorized to be created by the constitution or any law, that  
9 is entitled to expend moneys appropriated by law, including the legislature and the  
10 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
11 ch. 149 or in ch. 37, 52, 231, 233, 234, 237, 238, or 279.

\*\*\*\*NOTE: The above exempts the UW from the requirements under s. 16.528 for  
an agency to pay interest on late payments made by the agency.

12 **\*-1187/P5.66\* SECTION 224.** 16.53 (2) of the statutes, as affected by 2011  
13 Wisconsin Act 7, is amended to read:

14 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed  
15 invoice, the agency shall notify the sender of the invoice within 10 working days after  
16 it receives the invoice of the reason it is improperly completed. In this subsection,  
17 "agency" means an office, department, independent agency, institution of higher  
18 education, association, society, or other body in state government created or  
19 authorized to be created by the constitution or any law, that is entitled to expend  
20 moneys appropriated by law, including the legislature and the courts, but not  
21 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
22 37, 52, 231, 233, 234, 237, 238, or 279.

23 **\*-1187/P5.67\* SECTION 225.** 16.53 (7) of the statutes is amended to read:

1           16.53 (7) CERTIFICATION OF BOARDS, EVIDENCE OF CORRECTNESS OF ACCOUNT. The  
2           certificate of the proper officers of the ~~board of regents~~ Board of Regents of the  
3           University of Wisconsin System, the Board of Trustees of the University of  
4           Wisconsin-Madison, the department of health services, or the proper officers of any  
5           other board or commission organized or established by the state, shall in all cases be  
6           evidence of the correctness of any account which may be certified by them.

7           **\*-1187/P5.68\* SECTION 226.** 16.54 (8g) of the statutes is amended to read:

8           16.54 (8g) Subsections (1) to (8) do not apply to federal moneys made available  
9           to the ~~board of regents~~ Board of Regents of the University of Wisconsin System ~~or the~~  
10          Board of Trustees of the University of Wisconsin-Madison for instruction, extension,  
11          special projects or emergency employment opportunities.

              \*\*\*\*NOTE: The above ensures that the UW maintains an exemption under current  
              law that applies to the UW-System.

12          **\*-1187/P5.69\* SECTION 227.** 16.54 (8r) (a) of the statutes is amended to read:

13          16.54 (8r) (a) Whenever the federal government makes available moneys for  
14          instruction, extension, special projects or emergency employment opportunities, the  
15          ~~board of regents~~ Board of Regents of the University of Wisconsin System and the  
16          Board of Trustees of the University of Wisconsin-Madison may accept the moneys  
17          on behalf of the state. The ~~board of regents~~ Board of Regents and the Board of  
18          Trustees shall, in the administration of the expenditure of such moneys, comply with  
19          the requirements of the act of congress making the moneys available and with the  
20          regulations prescribed by the federal government or the federal agency  
21          administering the act, insofar as the act or regulations are consistent with state law.  
22          The ~~board of regents~~ Board of Regents and the Board of Trustees may submit any  
23          plan, budget, application or proposal required by the federal agency as a precondition

1 to receipt of the moneys. The ~~board of regents~~ Board of Regents and the Board of  
2 Trustees may, consistent with state law, perform any act required by the act of  
3 congress or the federal agency to carry out the purpose of the act of congress. The  
4 ~~board of regents~~ Board of Regents shall deposit all moneys received under this  
5 paragraph in the appropriation account under s. 20.285 (1) (m).

6 **\*-1187/P5.70\* SECTION 228.** 16.54 (9) (a) 1. of the statutes, as affected by 2011  
7 Wisconsin Act 7, is amended to read:

8 16.54 (9) (a) 1. "Agency" means an office, department, independent agency,  
9 institution of higher education, association, society or other body in state  
10 government created or authorized to be created by the constitution or any law, which  
11 is entitled to expend moneys appropriated by law, including the legislature and the  
12 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
13 ch. 149 or in ch. 37, 52, 231, 233, 234, 237, 238, or 279.

\*\*\*\*NOTE: The above exempts the UW from the requirements under s. 16.54 (9) that  
apply to "moneys received by an agency from the federal government as reimbursement  
for indirect costs of administration of a federal grant or contract for which no specific use  
is mandated by the federal government."

14 **\*-1465/P4.85\* \*-1059/P3.25\* SECTION 229.** 16.54 (14) of the statutes is  
15 repealed.

16 **\*-1322/2.1\* SECTION 230.** 16.548 (1) of the statutes is amended to read:

17 16.548 (1) The department may maintain a federal-state relations office in  
18 Washington, D.C., for the purpose of promoting federal-state cooperation, headed by  
19 a director. The director and a staff assistant for the office shall be appointed by the  
20 governor outside the classified service, ~~subject to the concurrence of the joint~~  
21 ~~committee on legislative organization.~~ The director and staff assistant shall serve  
22 at the pleasure of the governor.

23 **\*-1187/P5.71\* SECTION 231.** 16.61 (13) (a) of the statutes is amended to read:

1           16.61 (13) (a) The historical society, as trustee for the state, shall be the  
2           ultimate depository of the archives of the state, and the board may transfer to the  
3           society such original records and reproductions as it deems proper and worthy of  
4           permanent preservation, including records and reproductions which the custodian  
5           thereof has been specifically directed by statute to preserve or keep in the custodian's  
6           office. The permanent preservation of records of the University of Wisconsin System  
7           and of the University of Wisconsin-Madison may be accomplished under par. (b).  
8           The society may deposit in the regional depositories established under s. 44.10, title  
9           remaining with the society, the records of state agencies or their district or regional  
10          offices which are primarily created in the geographic area serviced by the depository,  
11          but the records of all central departments, offices, establishments and agencies shall  
12          remain in the main archives in the capital city under the society's immediate  
13          jurisdiction, except that the society may place the records temporarily at a regional  
14          depository for periods of time to be determined by the society. Nothing in this  
15          subsection nor in ch. 44 prevents the society's taking the steps for the safety of  
16          articles and materials entrusted to its care in library, museum or archives, including  
17          temporary removal to safer locations, dictated by emergency conditions arising from  
18          a state of war, civil rebellion or other catastrophe.

19           \*-1187/P5.72\* SECTION 232. 16.61 (13) (b) of the statutes is amended to read:

20           16.61 (13) (b) The board may designate an archival depository at the  
21           University of Wisconsin-Madison and at each university as defined in s. 36.05 (13)  
22           which shall meet standards for university archival depositories established by the  
23           board with the advice of the ~~board of regents~~ Board of Trustees, the Board of Regents,  
24           and the historical society or their respective designated representatives. The board

1 may transfer to the appropriate university archival depository all original records  
2 and reproductions the board deems worthy of permanent preservation.

3 **SECTION 233.** 16.70 (1e) of the statutes is amended to read:

4 16.70 (1e) "Agency" means an office, department, agency, institution of higher  
5 education, association, society or other body in state government created or  
6 authorized to be created by the constitution or any law, which is entitled to expend  
7 moneys appropriated by law, including the legislature and the courts, ~~but not~~  
8 ~~including an.~~ "Agency" includes the University of Wisconsin-Madison but does not  
9 include any other authority.

10 **\*-1252/P3.2\* SECTION 234.** 16.70 (3g) of the statutes is renumbered 84.01 (13)

11 (a) and amended to read:

12 84.01 (13) (a) ~~"Cost-benefit~~ In this subsection, "cost-benefit analysis" means  
13 a comprehensive study to identify and compare the total cost, quality, technical  
14 expertise, and timeliness of a service performed by state employees and resources  
15 with the total cost, quality, technical expertise, and timeliness of the same service  
16 obtained by means of a contract for contractual services.

17 **\*-1262/2.2\* SECTION 235.** 16.705 (1p) of the statutes is created to read:

18 16.705 (1p) Subsection (1) does not apply to an agreement entered into by the  
19 department of veterans affairs under s. 45.50 (2m) (c).

20 **\*-1187/P5.74\* SECTION 236.** 16.705 (1r) (d) of the statutes is amended to read:

21 16.705 (1r) (d) Contractual services purchased by the Board of Regents of the  
22 University of Wisconsin System with moneys appropriated under s. 20.285 (1) (j),  
23 (ja), (jm), (u), or (w) ~~or (5) (j).~~

24 **\*-1187/P5.75\* SECTION 237.** 16.705 (1r) (e) of the statutes is created to read:

1           16.705 (1r) (e) Contractual services purchased by the Board of Trustees of the  
2           University of Wisconsin-Madison with moneys other than moneys appropriated  
3           under s. 20.280 (1) (a) to (s).

4           **\*-1252/P3.3\* SECTION 238.** 16.705 (2) of the statutes is repealed.

5           **\*-1252/P3.4\* SECTION 239.** 16.705 (3) of the statutes is repealed.

6           **\*-1252/P3.5\* SECTION 240.** 16.705 (8) of the statutes is repealed.

7           **\*-1263/P2.1\* SECTION 241.** 16.705 (9) of the statutes is created to read:

8           16.705 (9) The department shall maintain a list of persons that are or have  
9           been a party to a contract with the state under this subchapter who have violated a  
10          provision of this subchapter or a contract under this subchapter. The parties on the  
11          list are ineligible for state contracts and no state contract may be awarded to a party  
12          on the ineligible list. The department may remove any party from the ineligible list  
13          if the department determines that the party's practices comply with this subchapter  
14          and provide adequate safeguards against future violations of this subchapter or  
15          contracts under this subchapter.

16          **\*-1187/P5.76\* SECTION 242.** 16.71 (4) of the statutes is created to read:

17          16.71 (4) The department shall delegate to the Board of Trustees of the  
18          University of Wisconsin-Madison the authority to enter into contracts for materials,  
19          supplies, equipment, or services that relate to higher education and that agencies  
20          other than the University of Wisconsin-System or the University of  
21          Wisconsin-Madison do not commonly purchase.

22          **\*-1267/P1.1\* SECTION 243.** 16.72 (2) (d) of the statutes is repealed.

23          **\*-1187/P5.77\* SECTION 244.** 16.72 (8) of the statutes is amended to read:

24          16.72 (8) The department may purchase educational technology materials,  
25          supplies, equipment, or contractual services from orders placed with the department



1 by school districts, cooperative educational service agencies, technical college  
2 districts, ~~and the board of regents~~ Board of Regents of the University of Wisconsin  
3 System, ~~and the Board of Trustees of the University of Wisconsin-Madison.~~

4 **\*-1187/P5.78\* SECTION 245.** 16.73 (4m) of the statutes is created to read:

5 16.73 (4m) The Board of Trustees of the University of Wisconsin-Madison may  
6 enter into agreements with other higher education institutions under which any of  
7 the parties may agree to participate in, administer, sponsor, or conduct purchasing  
8 of materials, supplies, equipment, permanent personal property, miscellaneous  
9 capital, or contractual services. The University of Wisconsin-Madison may  
10 purchase from any vendor selected as a result of such purchasing agreements.

11 **\*-1187/P5.79\* SECTION 246.** 16.73 (5) of the statutes is amended to read:

12 16.73 (5) If the department designates the ~~board of regents~~ Board of Trustees  
13 of the University of Wisconsin-System Wisconsin-Madison as its purchasing agent  
14 for any purpose under s. 16.71 (1), the board may enter into a contract to sell any  
15 materials, supplies, equipment or contractual services purchased by the board to the  
16 University of Wisconsin Hospitals and Clinics Authority, and may contract with the  
17 University of Wisconsin Hospitals and Clinics Authority for the joint purchase of any  
18 materials, supplies, equipment or contractual services if the sale or purchase is made  
19 consistently with that delegation and with this subchapter.

20 **\*-1216/P2.1\* SECTION 247.** 16.75 (1) (b) of the statutes is amended to read:

21 16.75 (1) (b) When the estimated cost exceeds ~~\$25,000~~ \$50,000, the department  
22 shall invite bids to be submitted. The department either shall ~~either~~ solicit sealed  
23 bids to be opened publicly at a specified date and time, or shall solicit bidding by  
24 auction to be conducted electronically at a specified date and time. Whenever bids  
25 are invited, due notice inviting bids shall be published as a class 2 notice, under ch.

1 985 or posted on the Internet at a site determined or approved by the department.  
2 The bid opening or auction shall occur at least 7 days after the date of the last  
3 insertion of the notice or at least 7 days after the date of posting on the Internet. The  
4 notice shall specify whether sealed bids are invited or bids will be accepted by  
5 auction, and shall give a clear description of the materials, supplies, equipment, or  
6 contractual services to be purchased, the amount of any bond, share draft, check, or  
7 other draft to be submitted as surety with the bid or prior to the auction, and the date  
8 and time that the public opening or the auction will be held.

9 **\*-1216/P2.2\* SECTION 248.** 16.75 (1) (c) of the statutes is amended to read:

10 16.75 (1) (c) Except as provided in sub. (7), when the estimated cost is ~~\$25,000~~  
11 \$50,000 or less, the award may be made in accordance with simplified procedures  
12 established by the department for such transactions.

13 **\*-1216/P2.3\* SECTION 249.** 16.75 (2m) (b) of the statutes is amended to read:

14 16.75 (2m) (b) When the estimated cost exceeds ~~\$25,000~~ \$50,000, the  
15 department may invite competitive sealed proposals by publishing a class 2 notice  
16 under ch. 985 or by posting notice on the Internet at a site determined or approved  
17 by the department. The notice shall describe the materials, supplies, equipment, or  
18 contractual services to be purchased, the intent to make the procurement by  
19 solicitation of proposals rather than by solicitation of bids, any requirement for  
20 surety and the date the proposals will be opened, which shall be at least 7 days after  
21 the date of the last insertion of the notice or at least 7 days after the date of posting  
22 on the Internet.

23 **\*-1216/P2.4\* SECTION 250.** 16.75 (2m) (c) of the statutes is amended to read:

1           16.75 (2m) (c) When the estimated cost is ~~\$25,000~~ \$50,000 or less, the  
2       ~~department may award the order or contract~~ may be awarded in accordance with  
3       simplified procedures established by the department for such transactions.

4           **\*-1465/P4.86\* \*-0808/2.65\* SECTION 251.** 16.75 (3m) (a) 1. of the statutes is  
5       amended to read:

6           16.75 (3m) (a) 1. "Disabled veteran-owned business" means a business  
7       certified by the department of ~~eommerce~~ safety and professional services under s.  
8       ~~560.0335~~ 490.02 (3).

9           **\*-1465/P4.87\* \*-0808/2.66\* SECTION 252.** 16.75 (3m) (a) 2. of the statutes is  
10      amended to read:

11          16.75 (3m) (a) 2. "Disabled veteran-owned financial adviser" means a financial  
12      adviser certified by the department of ~~eommerce~~ safety and professional services  
13      under s. ~~560.0335~~ 490.02 (3).

14          **\*-1465/P4.88\* \*-0808/2.67\* SECTION 253.** 16.75 (3m) (a) 3. of the statutes is  
15      amended to read:

16          16.75 (3m) (a) 3. "Disabled veteran-owned investment firm" means an  
17      investment firm certified by the department of ~~eommerce~~ safety and professional  
18      services under s. ~~560.0335~~ 490.02 (3).

19          **\*-1465/P4.89\* \*-0808/2.68\* SECTION 254.** 16.75 (3m) (a) 4. of the statutes is  
20      amended to read:

21          16.75 (3m) (a) 4. "Minority business" means a business certified by the  
22      department of ~~eommerce~~ safety and professional services under s. ~~560.036~~ 490.04 (2).

23          **\*-1465/P4.90\* \*-0808/2.69\* SECTION 255.** 16.75 (3m) (c) 5. a. of the statutes  
24      is amended to read:

1           16.75 (3m) (c) 5. a. In determining whether a purchase, contract or subcontract  
2           complies with the goal established under par. (b) 1. or s. 16.855 (10m) (am) 1., 16.87  
3           (2) (b), or 25.185 (2), the department shall include only amounts paid to minority  
4           businesses, minority financial advisers and minority investment firms certified by  
5           the department of ~~commerce~~ safety and professional services under s. ~~560.036~~ 490.04  
6           (2).

7           **\*-1465/P4.91\* \*-0808/2.70\* SECTION 256.** 16.75 (3m) (c) 5. b. of the statutes  
8           is amended to read:

9           16.75 (3m) (c) 5. b. In determining whether a purchase, contract, or subcontract  
10          is made with a disabled veteran-owned business, the department shall include only  
11          amounts paid to disabled veteran-owned businesses certified by the department of  
12          ~~commerce~~ safety and professional services under s. ~~560.0335~~ 490.02 (3).

13          **\*-1267/P1.2\* SECTION 257.** 16.75 (3t) (c) (intro.) of the statutes is amended to  
14          read:

15          16.75 (3t) (c) (intro.) The department of corrections shall periodically provide  
16          to the department of administration a current list of all materials, supplies,  
17          equipment or contractual services, excluding commodities, that are supplied by  
18          prison industries, as created under s. 303.01. The department of administration  
19          shall distribute the list to all designated purchasing agents under s. 16.71 (1). Except  
20          as otherwise provided in sub. (6) (am), prior to seeking bids or competitive sealed  
21          proposals with respect to the purchase of any materials, supplies, equipment or  
22          contractual services enumerated in the list, the department of administration or any  
23          other designated purchasing agent under s. 16.71 (1) shall offer prison industries the  
24          opportunity to supply the materials, supplies, equipment or contractual services if  
25          the department of corrections is able to provide them at a price ~~comparable to that~~

1 is equal to or lower than one which may be obtained through competitive bidding or  
2 competitive sealed proposals and is able to conform to the specifications, ~~provided the~~  
3 ~~specifications are written in accordance with s. 16.72 (2) (d).~~ If the department of  
4 administration or other purchasing agent is unable to determine whether the price  
5 of prison industries is ~~comparable~~ equal to or lower than one obtained through  
6 competitive bidding or competitive sealed proposals, it may solicit bids or  
7 competitive proposals before awarding the order or contract. This paragraph does  
8 not apply to the printing of the following forms:

9 **\*-1465/P4.92\* \*-0808/2.71\* SECTION 258.** 16.75 (4) (b) of the statutes is  
10 amended to read:

11 16.75 (4) (b) The department shall seek the cooperation and assistance of the  
12 department of ~~commerce~~ safety and professional services in the performance of its  
13 duties under par. (a).

14 **\*-1252/P3.6\* SECTION 259.** 16.75 (6) (bm) of the statutes is amended to read:

15 16.75 (6) (bm) If the secretary determines that it is in the best interest of this  
16 state to do so, he or she may waive any requirement under subs. (1) to (5) and ss.  
17 16.705 (1) ~~and (2) to (8), (5), (6), and (7)~~ and 16.72 (2) (e) and (f) and (5) with respect  
18 to any contract entered into by the department of children and families under s.  
19 49.143, if the department of children and families presents the secretary with a  
20 process for the procurement of contracts under s. 49.143 and the secretary approves  
21 the process.

22 **\*-1216/P2.5\* SECTION 260.** 16.75 (6) (c) of the statutes is amended to read:

23 16.75 (6) (c) If the secretary determines that it is in the best interest of this state  
24 to do so, he or she may, with the approval of the governor, waive the requirements  
25 of subs. (1) to (5) and may purchase supplies, material, equipment, or contractual

## SECTION 260

1 services, other than printing and stationery, from a private source other than a  
2 source specified in par. (b). Except as provided in sub. (2g) (c), if the cost of the  
3 purchase is expected to exceed ~~\$25,000~~ \$50,000, the department shall first publish  
4 a class 2 notice under ch. 985 or post a notice on the Internet at the site determined  
5 or approved by the department under sub. (1) (b) describing the materials, supplies,  
6 equipment, or contractual services to be purchased, stating the intent to make the  
7 purchase from a private source without soliciting bids or competitive sealed  
8 proposals and stating the date on which the contract or purchase order will be  
9 awarded. The date of the award shall be at least 7 days after the date of the last  
10 insertion or the date of posting on the Internet.

11 **\*-1259/P3.1\* SECTION 261.** 16.75 (10e) (b) of the statutes is amended to read:

12 16.75 (10e) (b) The If s. 16.855 (10s) (a) provides an applicable standard for the  
13 type of agency consuming equipment being purchased and the purchase will cost  
14 more than \$5,000 per unit the department, any other designated purchasing agent  
15 under s. 16.71 (1), any agency making purchases under s. 16.74, and any authority  
16 may not purchase that type of energy consuming equipment unless the specifications  
17 for the equipment meet the applicable standards ~~for the equipment established~~  
18 ~~under s. 16.855 (10s) (a). If there is no standard under s. 16.855 (10s) (a) applicable~~  
19 ~~to the type of energy consuming equipment being purchased, or if.~~ If there is an  
20 applicable standard under s. 16.855 (10s) (a), but the energy consuming equipment  
21 meeting that standard is not reasonably available, the department, purchasing  
22 agent, agency, or authority shall ensure, for purchases over \$5,000 per unit, that the  
23 energy consuming equipment that is purchased maximizes energy efficiency to the  
24 extent technically and economically feasible. The department, purchasing agent,  
25 agency, or authority shall not determine that energy consuming equipment that

1 meets the applicable standard under s. 16.855 (10s) (a) either is not reasonably  
2 available on the basis of cost alone or is not cost-effective unless the difference in the  
3 cost of the purchase and installation of the equipment that meets the standard and  
4 the equipment that would otherwise be installed is greater than the difference in the  
5 cost of operating the equipment that meets the standard and the equipment that  
6 would otherwise be installed over the anticipated life of the equipment.

7 **\*-1267/P1.3\* SECTION 262.** 16.751 of the statutes is amended to read:

8 **16.751 Information technology purchases by investment board.** The  
9 requirements of ss. 16.72 (2) (b) and (d) and 16.75 (1) (a) 1. and (2m) (g) do not apply  
10 to procurements authorized to be made by the investment board under s. 16.78 (1)  
11 for information technology purposes.

12 **\*-1465/P4.93\* \*-0808/2.72\* SECTION 263.** 16.752 (8) (e) of the statutes is  
13 amended to read:

14 16.752 (8) (e) Comply with applicable occupational health and safety standards  
15 prescribed by the U.S. secretary of labor, the federal occupational health and safety  
16 administration or the department of ~~commerce~~ safety and professional services.

17 **\*-1187/P5.87\* SECTION 264.** 16.78 (1) of the statutes, as affected by 2011  
18 Wisconsin Act 7, is amended to read:

19 16.78 (1) Every agency other than the ~~board of regents~~ Board of Regents of the  
20 University of Wisconsin System, the Board of Trustees of the University of  
21 Wisconsin-Madison, or an agency making purchases under s. 16.74 shall make all  
22 purchases of materials, supplies, equipment, and contractual services relating to  
23 information technology or telecommunications from the department, unless the  
24 department requires the agency to purchase the materials, supplies, equipment, or  
25 contractual services pursuant to a master contract established under s. 16.972 (2)

.....  
**SECTION 264**

1 (h), or grants written authorization to the agency to procure the materials, supplies,  
2 equipment, or contractual services under s. 16.75 (1) or (2m), to purchase the  
3 materials, supplies, equipment, or contractual services from another agency or to  
4 provide the materials, supplies, equipment, or contractual services to itself. The  
5 ~~board of regents~~ Board of Regents of the University of Wisconsin System may make  
6 purchases of materials, supplies, equipment, and contractual services relating to  
7 information technology or telecommunications from the department.

8 **\*-1221/3.3\* SECTION 265.** 16.841 of the statutes is repealed.

9 **\*-1187/P5.88\* SECTION 266.** 16.847 (1) (b) of the statutes is amended to read:  
10 16.847 (1) (b) "State facilities" means all property owned and operated by the  
11 state for the purpose of carrying out usual state functions, including the University  
12 of Wisconsin-Madison and each institution within the University of Wisconsin  
13 System.

\*\*\*\*NOTE: Section 16.848, stats., relating to sale of state-owned real property, is not  
amended because under the draft the UW's real property will not be state-owned.

14 **\*-1187/P5.89\* SECTION 267.** 16.85 (1) of the statutes is amended to read:  
15 16.85 (1) To take charge of and supervise all engineering or architectural  
16 services or construction work, as defined in s. 16.87, performed by, or for, the state,  
17 or any department, board, institution, commission, or officer of the state, and any  
18 such work to be performed for the University of Wisconsin-Madison, including  
19 nonprofit-sharing corporations organized for the purpose of assisting the state in the  
20 construction and acquisition of new buildings or improvements and additions to  
21 existing buildings as contemplated under ss. 13.488, 36.09, ~~and~~ 36.11, 37.03, and  
22 37.11, except work to be performed for the University of Wisconsin-Madison with  
23 respect to a building, structure, or facility that is funded entirely from sources other



1 than general purpose revenue or general fund supported borrowing; the engineering,  
2 architectural, and construction work of the department of transportation; and the  
3 engineering service performed by the department of ~~commerce~~ safety and  
4 professional services, department of revenue, public service commission,  
5 department of health services, and other departments, boards, and commissions  
6 when the service is not related to the maintenance, and construction and planning,  
7 of the physical properties of the state. The department may not authorize  
8 construction work for any state office facility in the city of Madison after May 11,  
9 1990, unless the department first provides suitable space for a child care center  
10 primarily for use by children of state employees.

\*\*\*\*NOTE: This is reconciled s. 16.85 (1). This SECTION is affected by drafts with the  
following LRB numbers: LRB-1187 and LRB-1465.

11 **\*-1221/3.4\* SECTION 268.** 16.85 (1) of the statutes, as affected by 2011  
12 Wisconsin Act .... (this act), is amended to read:

13 16.85 (1) To take charge of and supervise all engineering or architectural  
14 services or construction work, as defined in s. 16.87, performed by, or for, the state,  
15 or any department, board, institution, commission, or officer of the state, and any  
16 such work to be performed for the University of Wisconsin-Madison, including  
17 nonprofit-sharing corporations organized for the purpose of assisting the state in the  
18 construction and acquisition of new buildings or improvements and additions to  
19 existing buildings as contemplated under ss. 13.488, 36.09, 36.11, 37.03, and 37.11,  
20 except work to be performed for the University of Wisconsin-Madison with respect  
21 to a building, structure, or facility that is funded entirely from sources other than  
22 general purpose revenue or general fund supported borrowing; the engineering,  
23 architectural, and construction work of the department of transportation; and the

## SECTION 268

1 engineering service performed by the department of safety and professional services,  
2 department of revenue, public service commission, department of health services,  
3 and other departments, boards, and commissions when the service is not related to  
4 the maintenance, and construction and planning, of the physical properties of the  
5 state. ~~The department may not authorize construction work for any state office~~  
6 ~~facility in the city of Madison after May 11, 1990, unless the department first~~  
7 ~~provides suitable space for a child care center primarily for use by children of state~~  
8 ~~employees.~~

\*\*\*\*NOTE: This is reconciled s. 16.85 (1). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-1187/P4, LRB-1221/2, and LRB-1465/P3.

9 **\*-1187/P5.90\* SECTION 269.** 16.85 (2) of the statutes, as affected by 2011  
10 Wisconsin Act 7, is amended to read:

11 16.85 (2) To furnish engineering, architectural, project management, and other  
12 building construction services whenever requisitions therefor are presented to the  
13 department by any agency or the University of Wisconsin-Madison. The department  
14 may deposit moneys received from the provision of these services in the account  
15 under s. 20.505 (1) (kc) or in the general fund as general purpose revenue — earned.  
16 In this subsection, “agency” means an office, department, independent agency,  
17 institution of higher education, association, society, or other body in state  
18 government created or authorized to be created by the constitution or any law, which  
19 is entitled to expend moneys appropriated by law, including the legislature and the  
20 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
21 ch. 149 or in ch. 37, 52, 231, 233, 234, 237, 238, or 279.

22 **\*-1187/P5.91\* SECTION 270.** 16.85 (5) of the statutes is amended to read:

1           16.85 (5) To promote the use of energy conservation methods in state-owned  
2 facilities and facilities owned by the University of Wisconsin-Madison, to implement  
3 and refine a statewide energy monitoring system and to develop and implement  
4 initiatives of replacing fossil fuels with renewable energy fuels.

5           **\*-1187/P5.92\* SECTION 271.** 16.85 (7) of the statutes is amended to read:

6           16.85 (7) To rebuild and repair discarded machinery of the several state  
7 institutions and the University of Wisconsin-Madison when found feasible, and put  
8 the same back into service in the same department or at the university or in any other  
9 state department or the university, and upon requisition to furnish services and  
10 material and loan equipment at fair rentals based on the cost thereof, in connection  
11 with the construction, operation and maintenance of heating and power plants,  
12 utilities and equipment.

13           **\*-1187/P5.93\* SECTION 272.** 16.85 (10) of the statutes is amended to read:

14           16.85 (10) To prepare in cooperation with the state agencies concerned and  
15 with the University of Wisconsin-Madison, plans for the future growth and  
16 development of various state institutions and to serve as technical adviser to the  
17 building commission in connection with the development of the state long-range  
18 building program provided in ss. 13.48 and 13.482.

19           **\*-1187/P5.94\* SECTION 273.** 16.85 (12) of the statutes is amended to read:

20           16.85 (12) To review and approve plans and specifications for any building or  
21 structure that is constructed for the benefit of the University of Wisconsin System  
22 or any institution thereof, and to periodically review the progress of any such  
23 building or structure during construction to assure compliance with the approved  
24 plans and specifications. This subsection does not apply to any building, structure,  
25 or facility that is constructed, remodeled, repaired, renewed, or expanded for the

1 University of Wisconsin-Madison if the project is funded entirely from sources other  
2 than general purpose revenue or general fund supported borrowing.

3 **\*-1187/P5.95\* SECTION 274.** 16.851 of the statutes is amended to read:

4 **16.851 Plans for state and university buildings, structures or facilities.**

5 Except as the department otherwise provides by rule, records of the department and  
6 the University of Wisconsin-Madison containing plans or specifications for any  
7 state-owned or state-leased or any university-owned or university-leased building,  
8 structure or facility, or any proposed state-owned or state-leased or  
9 university-owned or university-leased building, structure or facility, are not subject  
10 to the right of public inspection or copying under s. 19.35 (1). If the department or  
11 the University of Wisconsin-Madison transfers any records containing any such  
12 plans or specifications to any other authority as defined in s. 19.32 (1), the  
13 department or university shall require the authority to agree in writing not to make  
14 the record available for public inspection or copying except as the department  
15 otherwise permits by rule.

16 **\*-1187/P5.96\* SECTION 275.** 16.8511 of the statutes is amended to read:

17 **16.8511 Secretary of administration; powers, duties.** (1) The secretary  
18 or the secretary's designated assistants shall make a biennial inspection of each  
19 building of each institution of the state and the University of Wisconsin-Madison.  
20 The secretary may delegate this responsibility to the board, commission or officer in  
21 charge of such institution.

22 (2) The secretary may delegate any of the work under this subchapter to the  
23 various state agencies or to the University of Wisconsin-Madison when the secretary  
24 determines that the best interests of the state or the university will be served. All  
25 such delegation will be in writing and accompanied by the proper rules and

1 guidelines the agencies or the university must follow to ensure performance to the  
2 satisfaction of the secretary.

3 **\*-1465/P4.94\* \*-0808/2.74\* SECTION 276.** 16.854 (1) (a) of the statutes is  
4 amended to read:

5 16.854 (1) (a) "Minority business" has the meaning given in s. ~~560.036~~ 490.04  
6 (1) (e).

7 **\*-1465/P4.95\* \*-0808/2.75\* SECTION 277.** 16.854 (1) (b) of the statutes is  
8 amended to read:

9 16.854 (1) (b) "Minority group member" has the meaning given in s. ~~560.036~~  
10 490.04 (1) (f).

11 **\*-1187/P5.97\* SECTION 278.** 16.855 (2) (intro.) of the statutes is amended to  
12 read:

13 16.855 (2) (intro.) Except for projects authorized under s. 16.858, whenever the  
14 estimated construction cost of a project exceeds \$40,000, or if less and in the best  
15 interest of the state or the University of Wisconsin-Madison, the department shall:

16 **\*-1187/P5.98\* SECTION 279.** 16.855 (2) (b) 2. of the statutes is amended to read:

17 16.855 (2) (b) 2. If the federal government participates in a state or University  
18 of Wisconsin-Madison project, the bid guarantee required in this paragraph  
19 controls, unless the federal government makes a specific provision for a different bid  
20 guarantee.

21 **\*-1187/P5.99\* SECTION 280.** 16.855 (5) of the statutes is amended to read:

22 16.855 (5) Any or all bids may be rejected if, in the opinion of the department,  
23 it is in the best interest of the state or the University of Wisconsin-Madison. The  
24 reasons for rejection shall be given to the bidder or bidders in writing.

25 **\*-1187/P5.100\* SECTION 281.** 16.855 (7) of the statutes is amended to read:

1           16.855 (7) The department may issue contract change orders, if they are  
2       deemed to be in the best interests of the state or the University of  
3       Wisconsin-Madison.

4           **\*-1187/P5.101\* SECTION 282.** 16.855 (10) of the statutes is amended to read:

5           16.855 (10) When the department believes that it is in the best interests of the  
6       state or the University of Wisconsin-Madison to contract for certain articles or  
7       materials available from only one source, it may contract for said articles or  
8       materials without the usual statutory procedure, after a publication of a class 1  
9       notice, under ch. 985, in the official state newspaper.

10          **\*-1465/P4.96\* \*-0808/2.76\* SECTION 283.** 16.855 (10m) (ac) of the statutes is  
11       amended to read:

12          16.855 (10m) (ac) In this subsection, “disabled veteran-owned business”  
13       means a business certified by the department of ~~commerce~~ safety and professional  
14       services under s. ~~560.0335~~ 490.02 (3).

15          **\*-1465/P4.97\* \*-0808/2.77\* SECTION 284.** 16.855 (10n) (a) of the statutes is  
16       amended to read:

17          16.855 (10n) (a) In this subsection, “minority group member” has the meaning  
18       given in s. ~~560.036~~ 490.04 (1) (f).

19          **\*-1187/P5.102\* SECTION 285.** 16.855 (13) (c) of the statutes is amended to read:

20          16.855 (13) (c) Changes may be made in the list of subcontractors, with the  
21       agreement of the department and the prime contractor, when in the opinion of the  
22       department it is in the best interests of the state or the University of  
23       Wisconsin-Madison to require the change.

24          **\*-1187/P5.103\* SECTION 286.** 16.855 (14) (b) of the statutes is amended to  
25       read:

1           16.855 (14) (b) The state is and the University of Wisconsin-Madison are not  
2       liable to a prime contractor for damage from delay caused by another prime  
3       contractor if the department or the university takes reasonable action to require the  
4       delaying prime contractor to comply with its contract. If the state or the university  
5       is not liable under this paragraph, the delayed prime contractor may bring an action  
6       for damages against the delaying prime contractor.

7           **\*-1187/P5.104\* SECTION 287.** 16.855 (16) (a) of the statutes is amended to  
8       read:

9           16.855 (16) (a) This section does not apply to contracts between the state or the  
10      University of Wisconsin-Madison <sup>and</sup> and <sup>plain</sup> federal government or any agency thereof, or  
11      with any political subdivision of the state. Subject to the approval of the governor,  
12      the requirements of this section may be waived in emergency situations involving the  
13      public health, welfare or safety or with respect to contracting with public utilities,  
14      but only when any such waiver is deemed by the governor to be in the best interests  
15      of the state or the university.

16          **\*-1187/P5.105\* SECTION 288.** 16.855 (16) (b) 2. of the statutes is amended to  
17      read:

18          16.855 (16) (b) 2. In emergency situations, the governor may approve repairs  
19      and construction of a building, structure, or facility in lieu of building commission  
20      approval under s. 13.48 (10), and for such purposes, may authorize the expenditure  
21      of up to \$500,000 from the state building trust fund or from other available moneys  
22      appropriated to an agency or other available moneys of the University of  
23      Wisconsin-Madison derived from any revenue source. The governor may delegate  
24      to the secretary the authority to grant approvals under this subdivision. The  
25      governor shall report any such authorization to the building commission at its next

1 regular meeting following the authorization. In this subdivision, "emergency"  
2 means any natural or human-caused situation that results in or may result in  
3 substantial injury or harm to the population or substantial damage to or loss of  
4 property.

5 **\*-1187/P5.106\* SECTION 289.** 16.855 (20) of the statutes is amended to read:

6 16.855 (20) This section does not apply to construction work performed by  
7 University of Wisconsin System or University of Wisconsin-Madison students when  
8 the construction work performed is a part of a curriculum and where the work is  
9 course-related for the student involved. Prior approval of the building commission  
10 must be obtained for all construction projects to be performed by University of  
11 Wisconsin System or University of Wisconsin-Madison students, except projects  
12 specified in s. 13.48 (10 (c)).

13 **\*-1187/P5.107\* SECTION 290.** 16.855 (22) of the statutes is amended to read:

14 16.855 (22) The provisions of this section, except sub. (10m), do not apply to  
15 construction work for any project that does not require the prior approval of the  
16 building commission under s. 13.48 (10) (a) if the project is constructed in accordance  
17 with policies and procedures prescribed by the building commission under s. 13.48  
18 (29). The provisions of this section do not apply to construction work for any project  
19 by or for the University of Wisconsin-Madison that is funded entirely from sources  
20 other than general purpose revenue or general fund supported borrowing. If the  
21 estimated construction cost of any project, other than a University of  
22 Wisconsin-Madison project that is exempted under this subsection, is at least  
23 \$40,000, and the building commission elects to utilize the procedures prescribed  
24 under s. 13.48 (29) to construct the project, the department shall provide adequate



1 public notice of the project and the procedures to be utilized to construct the project  
2 on a publicly accessible computer site.

3 **\*-1187/P5.108\* SECTION 291.** 16.865 (1) (a) of the statutes is amended to read:

4 16.865 (1) (a) ~~Protect~~ Except as provided in sub. (10), protect the state and the  
5 University of Wisconsin-Madison from losses which are catastrophic in nature and  
6 minimize total cost to the state of all activities related to the control of accidental loss.

7 **\*-1187/P5.109\* SECTION 292.** 16.865 (2) of the statutes is amended to read:

8 16.865 (2) ~~Identify~~ Except as provided in sub. (10), identify and evaluate  
9 exposure to loss to the state, ~~its~~ and University of Wisconsin-Madison and their  
10 employees or injury to the public by reason of fire or other accidents and fortuitous  
11 events at state-owned and the university-owned properties or facilities.

12 **\*-1187/P5.110\* SECTION 293.** 16.865 (3) of the statutes is amended to read:

13 16.865 (3) ~~Recommend~~ Except as provided in sub. (10), recommend changes in  
14 procedures, program conditions or capital improvement for all agencies and the  
15 University of Wisconsin-Madison which would satisfactorily eliminate or reduce the  
16 existing exposure.

17 **\*-1187/P5.111\* SECTION 294.** 16.865 (4) of the statutes is amended to read:

18 16.865 (4) ~~Manage the state employees'~~ Except as provided in sub. (10),  
19 manage the worker's compensation program for state and University of  
20 Wisconsin-Madison employees and the statewide self-funded programs to protect  
21 the state and the University of Wisconsin-Madison from losses of and damage to  
22 state property and liability.

23 **\*-1187/P5.112\* SECTION 295.** 16.865 (5) of the statutes is amended to read:

24 16.865 (5) ~~Arrange~~ Except as provided in sub. (10), arrange appropriate  
25 insurance contracts for the transfer of risk of loss on the part of the state and the

1 University of Wisconsin-Madison or ~~its~~ their employees, to the extent such loss  
2 cannot reasonably be assumed by the individual agencies or the university or the  
3 self-funded programs. The placement of insurance may be by private negotiation  
4 rather than competitive bid, if such insurance has a restricted number of interested  
5 carriers. The department shall approve all insurance purchases.

6 **\*-1187/P5.113\* SECTION 296.** 16.865 (8) of the statutes, as affected by 2011  
7 Wisconsin Act 7, is amended to read:

8 16.865 (8) Annually Except as provided in sub. (10), annually in each fiscal  
9 year, allocate as a charge to each agency and to the University of Wisconsin-Madison  
10 a proportionate share of the estimated costs attributable to programs administered  
11 by the agency or the university to be paid from the appropriation under s. 20.505 (2)  
12 (k). The department may charge premiums to agencies and to the University of  
13 Wisconsin-Madison to finance costs under this subsection and pay the costs from the  
14 appropriation on an actual basis. The department shall deposit all collections under  
15 this subsection in the appropriation account under s. 20.505 (2) (k). Costs assessed  
16 under this subsection may include judgments, investigative and adjustment fees,  
17 data processing and staff support costs, program administration costs, litigation  
18 costs, and the cost of insurance contracts under sub. (5). In this subsection, "agency"  
19 means an office, department, independent agency, institution of higher education,  
20 association, society, or other body in state government created or authorized to be  
21 created by the constitution or any law, that is entitled to expend moneys  
22 appropriated by law, including the legislature and the courts, but not including an  
23 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 37, 52, 231,  
24 232, 233, 234, 235, 237, 238, or 279.

25 **\*-1187/P5.114\* SECTION 297.** 16.865 (10) of the statutes is created to read:

1           16.865 (10) This section does not apply to the University of Wisconsin-Madison  
2           for any fiscal year if the University of Wisconsin-Madison, no later than December  
3           31 preceding the beginning of that fiscal year, provides written notice to the  
4           department that it has elected not to be governed by this section. Any notice of  
5           nonelection applies to all subsequent fiscal years unless the University of  
6           Wisconsin-Madison, no later than December 31 preceding the beginning of a fiscal  
7           year, provides written notice to the department that it has elected to be governed by  
8           this section. Any notice of election applies to all subsequent fiscal years unless the  
9           University of Wisconsin-Madison again provides timely notice of nonelection.

10           **\*-1465/P4.98\* \*-0808/2.78\* SECTION 298.** 16.87 (1) (am) of the statutes is  
11           amended to read:

12           16.87 (1) (am) "Disabled veteran-owned business" means a business certified  
13           by the department of ~~commerce~~ safety and professional services under s. 560.0335  
14           490.02 (3).

15           **\*-1187/P5.115\* SECTION 299.** 16.87 (2) (a) of the statutes is amended to read:

16           16.87 (2) (a) A contract for engineering services or architectural services or a  
17           contract involving an expenditure of \$10,000 or more for construction work, or  
18           \$30,000 or more for limited trades work, to be done for or furnished to the state or  
19           a department, board, commission, or officer of the state or the University of  
20           Wisconsin-Madison is exempt from the requirements of ss. 16.705 and 16.75.

21           **\*-1187/P5.116\* SECTION 300.** 16.87 (5) of the statutes is created to read:

22           16.87 (5) This subsection does not apply to any project for the University of  
23           Wisconsin-Madison that is funded entirely from sources other than general purpose  
24           revenue or general fund supported borrowing.

25           **\*-1187/P5.117\* SECTION 301.** 16.875 of the statutes is amended to read:

1       **16.875 Setoffs.** All amounts owed by this state or the University of  
2       Wisconsin-Madison under this subchapter are subject to being set off under s. 73.12.

3       **\*-1187/P5.118\* SECTION 302.** 16.89 of the statutes is amended to read:

4       **16.89 Construction and services controlled by this chapter.** No  
5       department, independent agency, constitutional office or agent of the state shall  
6       employ engineering, architectural or allied services or expend money for  
7       construction purposes on behalf of the state, except as provided in this chapter. The  
8       University of Wisconsin-Madison shall not employ engineering, architectural, or  
9       allied services or expend money for construction purposes on behalf of the university,  
10      except as provided in this chapter and except that the university may engage such  
11      employment for any project that is financed entirely from sources other than general  
12      purpose revenue or general fund supported borrowing.

13      **\*-1187/P5.119\* SECTION 303.** 16.891 (1) (b) of the statutes is amended to read:

14      16.891 (1) (b) "Total cost of occupancy" means the cost to operate and maintain  
15      the physical plant of a building, structure, or facility, including administrative costs  
16      of an agency or the University of Wisconsin-Madison attributable to operation and  
17      maintenance of a building, structure, or facility, together with any debt service costs  
18      associated with the building, structure, or facility, computed in the manner  
19      prescribed by the department.

20      **\*-1187/P5.120\* SECTION 304.** 16.891 (2) of the statutes is amended to read:

21      16.891 (2) Except as provided in sub. (4), each agency and the University of  
22      Wisconsin-Madison shall report to the department no later than October 1 of each  
23      year concerning the total cost of occupancy of each state-owned or university-owned  
24      building, structure, and facility, excluding public highways and bridges, under the  
25      jurisdiction of the agency or university for the preceding fiscal year. The report shall

1 be made in a format prescribed by the department. Beginning in 2009, if a building,  
2 structure, or facility is a part of an institution, the agency having jurisdiction of the  
3 institution or the University of Wisconsin-Madison shall also include in its report  
4 the total cost of occupancy of all of the buildings, structures, and facilities within the  
5 institution.

6 **\*-1187/P5.121\* SECTION 305.** 16.891 (4) of the statutes is amended to read:

7 16.891 (4) The department may exempt an agency or the University of  
8 Wisconsin-Madison from compliance with the reporting requirement under sub. (2)  
9 with respect to any building, structure, or facility that the department determines  
10 to have a minimal total cost of occupancy.

11 **\*-1187/P5.122\* SECTION 306.** 16.895 (title) of the statutes is amended to read:

12 **16.895 (title) State-owned State- or university-owned or operated**  
13 **heating, cooling or power plants.**

14 **\*-1187/P5.123\* SECTION 307.** 16.895 (2) (a) of the statutes is amended to read:

15 16.895 (2) (a) Prepare all specifications, bid and administer contracts for the  
16 purchase of fuels for all ~~state-owned or operated~~ heating, cooling or power plants  
17 that are owned or operated by the state or the University of Wisconsin-Madison.

18 **\*-1187/P5.124\* SECTION 308.** 16.895 (2) (c) of the statutes is amended to read:

19 16.895 (2) (c) Determine the method of operation of ~~state-owned~~ state- or  
20 university-owned or operated heating, cooling or power plants, including  
21 maintenance standards and policies concerning utilization of alternative fuels and  
22 energy conservation.

23 **\*-1187/P5.125\* SECTION 309.** 16.895 (2) (d) of the statutes is amended to read:

1           16.895 (2) (d) Assure compliance with federal and state laws, federal  
2 regulations and state administrative rules applicable to ~~state-owned~~ state- or  
3 university-owned or operated heating, cooling or power plants.

4           **\*-1187/P5.126\* SECTION 310.** 16.895 (2) (e) of the statutes is amended to read:

5           16.895 (2) (e) Delegate to any agency or to the University of  
6 Wisconsin-Madison the department's authority under par. (c) or (d) and approve all  
7 expenditures of the agency or university under par. (c) or (d).

8           **\*-1187/P5.127\* SECTION 311.** 16.895 (2) (g) of the statutes is amended to read:

9           16.895 (2) (g) Provide for emissions testing, waste product disposal and fuel  
10 quality testing at ~~state-owned~~ state- or university-owned or operated heating,  
11 cooling or power plants, and secure permits that are required for operation of the  
12 plants.

13           **\*-1187/P5.128\* SECTION 312.** 16.895 (2) (h) of the statutes is amended to read:

14           16.895 (2) (h) Periodically assess to agencies and the University of  
15 Wisconsin-Madison their proportionate cost of the expenses incurred by the  
16 department under this subsection and ss. 16.85 (4), 16.90, 16.91 and 16.92 in  
17 accordance with a method of apportionment determined by the department.

18           **\*-1187/P5.129\* SECTION 313.** 16.897 of the statutes is amended to read:

19           **16.897 Space and water heating systems.** In planning and designing space  
20 or water heating systems for new or existing state facilities and facilities of the  
21 University of Wisconsin-Madison, the department shall ensure that geothermal  
22 technologies are utilized to the greatest extent that is cost-effective and technically  
23 feasible.

24           **\*-1187/P5.130\* SECTION 314.** 16.90 (title) of the statutes is amended to read:

1           **16.90 (title) Fuel for state and university heating, cooling or power**  
2 **plants.**

3           **\*-1187/P5.131\* SECTION 315.** 16.90 (2) (a) of the statutes is amended to read:

4           16.90 (2) (a) Prepare all specifications for contracts for the purchase of fuel for  
5 each ~~state-owned or operated~~ heating, cooling or power plant that is owned or  
6 operated by the state or the University of Wisconsin-Madison. All such  
7 specifications where feasible shall provide for purchase of such fuel on a heating  
8 value and quality basis and may provide for an adjustment of the base price of any  
9 fuel as a result of changes in production or transportation costs during the term of  
10 a contract.

11           **\*-1187/P5.132\* SECTION 316.** 16.90 (2) (b) of the statutes is amended to read:

12           16.90 (2) (b) Distribute fuel purchased by the department ~~or~~, any other agency,  
13 or the University of Wisconsin-Madison to agencies ~~that require it or to the~~  
14 University of Wisconsin-Madison as required, and reallocate such fuel between  
15 agencies or the University of Wisconsin-Madison in the event of a shortage.

16           **\*-1187/P5.133\* SECTION 317.** 16.90 (2) (c) of the statutes is amended to read:

17           16.90 (2) (c) Set standards for storage of fuel by agencies and the University  
18 of Wisconsin-Madison.

19           **\*-1187/P5.134\* SECTION 318.** 16.90 (2) (d) of the statutes is amended to read:

20           16.90 (2) (d) Test all fuel purchased for each ~~state-owned~~ state- or  
21 university-owned or operated heating, cooling or power plant wherein the annual  
22 requirement is in excess of 12,500 therms and where purchased on a heating value  
23 and quality basis.

24           **\*-1187/P5.135\* SECTION 319.** 16.90 (2) (e) of the statutes is amended to read:

1           16.90 (2) (e) Promulgate such rules as the secretary considers necessary, not  
2 inconsistent with this section, to promote efficiency, energy conservation and  
3 economy in the testing, handling and use of fuel for ~~state-owned~~ state- or  
4 university-owned or operated heating, cooling or power plants.

5           **\*-1187/P5.136\* SECTION 320.** 16.91 (2) of the statutes is amended to read:

6           16.91 (2) No contract for the purchase of fuel for any ~~state-owned~~ state- or  
7 university-owned or operated heating or heating and power plant wherein the  
8 annual requirement is in excess of 12,500 therms is binding unless purchased upon  
9 specifications furnished by the secretary. A contract for fuel may be for any term  
10 deemed to be in the best interests of the state or the University of  
11 Wisconsin-Madison, but the term and any provisions for renewal or extension shall  
12 be incorporated in the bid specifications and the contract document.

13           **\*-1187/P5.137\* SECTION 321.** 16.91 (3) of the statutes is amended to read:

14           16.91 (3) Payments for fuel delivered under contracts specified in sub. (2) and  
15 for delivery costs shall be made upon vouchers approved by the secretary. Upon being  
16 audited and paid, the department shall charge each purchase against the  
17 appropriation to the agency which has jurisdiction over the facility at which the fuel  
18 is used or to the University of Wisconsin-Madison, if the university has such  
19 jurisdiction. The secretary shall report on a quarterly basis to each such agency and  
20 to the University of Wisconsin-Madison the total amount of payments charged under  
21 this subsection to each of its appropriations and facilities. Approval of the payments  
22 by the any agency whose appropriation is charged is not required.

23           **\*-1187/P5.138\* SECTION 322.** 16.92 (2) of the statutes is amended to read:



1           16.92 (2) Each agency and the University of Wisconsin-Madison shall utilize  
2 the most cost-effective means of procurement of fuel, electricity, heat and chilled  
3 water.

4           **\*-1187/P5.139\* SECTION 323.** 16.93 (2) of the statutes is amended to read:

5           16.93 (2) Except as provided in sub. (3), any agency or the University of  
6 Wisconsin-Madison, with the approval of the department, may sell fuel, water,  
7 sewage treatment service, electricity, heat or chilled water to another agency, a  
8 federal agency, a local government or a private entity.

9           **\*-1224/P3.13\* SECTION 324.** 16.95 (intro.) of the statutes is amended to read:

10          **16.95 Powers and duties.** (intro.) The department shall, through a system  
11 of comprehensive long-range planning, promote the development and the maximum  
12 wise use of the energy, natural, and human resources of the state. It and develop and  
13 implement a cost-effective, balanced, reliable, and environmentally responsible  
14 energy strategy to promote economic growth. The department shall do all of the  
15 following:

16          **\*-1224/P3.14\* SECTION 325.** 16.954 of the statutes is repealed.

17          **\*-1224/P3.15\* SECTION 326.** 16.956 of the statutes is repealed.

18          **\*-1142/P1.1\* SECTION 327.** 16.957 (2) (d) 2m. of the statutes is created to read:

19          16.957 (2) (d) 2m. In fiscal years 2011-12 and 2012-13, at the department's  
20 discretion, subtract no more than \$10,000,000 from the amount required to be spent  
21 on weatherization and other energy conservation services under par. (a).

22          **\*-0823/P1.1\* SECTION 328.** 16.964 (1m) (k) of the statutes is repealed.

23          **\*-0830/P6.2\* SECTION 329.** 16.964 (5) (a) of the statutes is amended to read:

24          16.964 (5) (a) The office shall provide grants from the appropriation under s.  
25 20.505 (6) (e) (kb) to cities to employ additional uniformed law enforcement officers

1 whose primary duty is beat patrolling. A city is eligible for a grant under this  
2 subsection in fiscal year 1994-95 if the city has a population of 25,000 or more. A city  
3 may receive a grant for a calendar year if the city applies for a grant before September  
4 1 of the preceding calendar year. Grants shall be awarded to the 10 eligible cities  
5 submitting an application for a grant that have the highest rates of violent crime  
6 index offenses in the most recent full calendar year for which data is available under  
7 the uniform crime reporting system of the federal bureau of investigation.

8 **\*-0830/P6.3\* SECTION 330.** 16.964 (12) (b) of the statutes is amended to read:

9 16.964 (12) (b) The office shall make grants to counties to enable them to  
10 establish and operate programs, including suspended and deferred prosecution  
11 programs and programs based on principles of restorative justice, that provide  
12 alternatives to prosecution and incarceration for criminal offenders who abuse  
13 alcohol or other drugs. The office shall make the grants from the appropriations  
14 under s. 20.505 (6) (b), (j) (kn), and (ku). The office shall collaborate with the  
15 departments of corrections and health services in establishing this grant program.

16 **\*-0858/P1.1\* SECTION 331.** 16.964 (12) (br) of the statutes is created to read:

17 16.964 (12) (br) Any county that receives a grant under this subsection on or  
18 after January 1, 2012, shall provide matching funds that are equal to 25 percent of  
19 the amount of the grant.

20 **\*-0830/P6.4\* SECTION 332.** 16.964 (14) (intro.) of the statutes is amended to  
21 read:

22 16.964 (14) (intro.) Beginning in fiscal year ~~2008-09~~ 2011-2012, from the  
23 appropriation under s. 20.505 (6) ~~(f)~~ (ke), the office shall in each fiscal year provide  
24 ~~\$20,000~~ \$17,000 to each of the following child advocacy centers for education,  
25 training, medical advice, and quality assurance activities: